

AMENDED IN SENATE JUNE 25, 2002

AMENDED IN SENATE JUNE 17, 2002

AMENDED IN ASSEMBLY APRIL 23, 2002

AMENDED IN ASSEMBLY APRIL 4, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3051**

---

---

**Introduced by Assembly Member Papan  
(Coauthors: Assembly Members Alquist and Calderon)**

March 21, 2002

---

---

An act to amend Section 84506 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 3051, as amended, Papan. Campaign advertisements: independent expenditure committees.

Existing provisions of the Political Reform Act of 1974 require that a broadcast advertisement or mass mailing that expressly advocates the election or defeat of a candidate or ballot measure include the names of the 2 largest contributors to the committee making the independent expenditure.

This bill would define a “broadcast advertisement” for purposes of this requirement to include substantially similar prerecorded telephonic messages expressly advocating the election or defeat of a clearly identified candidate that are delivered to more than 200 households at any time during the 20 days immediately before an election.

The bill would require specified disclaimers for advertisements that are independent expenditures.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

Proposition 208, an initiative measure approved by the voters at the November 5, 1996, statewide general election, makes the amendment provisions of the Political Reform Act applicable to the amendment of the initiative measure.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974 and Proposition 208, would therefore require a  $\frac{2}{3}$  vote.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 84506 of the Government Code is  
2 amended to read:  
3 84506. (a) If the expenditure for a broadcast or mass mailing  
4 advertisement that expressly advocates the election or defeat of a  
5 clearly identified candidate or ballot measure is an independent  
6 expenditure of more than five thousand dollars (\$5,000), the  
7 committee shall include on the advertisement the names of the two  
8 persons making the largest contributions to the committee making  
9 the independent expenditure. If an acronym is used to specify any  
10 committee names required by this section, the names of any  
11 sponsoring organization of the committee shall be printed on print  
12 advertisements or spoken in broadcast advertisements. For the



1 purposes of determining the two contributors to be disclosed, the  
2 contributions of each person to the committee making the  
3 independent expenditure during the one-year period before the  
4 election shall be aggregated.

5 (b) For purposes of this section, “broadcast advertisement”  
6 includes substantially similar prerecorded telephonic messages  
7 expressly advocating the election or defeat of a clearly identified  
8 candidate that *are* delivered to more than 200 households at any  
9 time during the 20 days immediately before an election.

10 (c) Every advertisement shall include the following disclaimer:  
11 “This paid advertisement was not produced in coordination with  
12 any candidate. This advertisement was paid for by \_\_\_\_ (insert  
13 name of committee or, if the committee is an independent  
14 expenditure committee, the name of the filer making the  
15 independent expenditure) at a cost of \$\_\_\_\_ (insert cost of  
16 advertisement) \_\_\_\_ (insert “in support of” or “in opposition to”)  
17 \_\_\_\_ (insert name of candidate or candidates).”

18 (d) (1) All broadcast advertisement disclaimers shall be made  
19 at the beginning of the advertisement to warn voters that what they  
20 are about to see or hear is not paid for or authorized by a candidate  
21 for office. For a television advertisement, the text of the disclaimer  
22 shall run throughout the entire ad, and shall be made audible once,  
23 at the beginning of the advertisement.

24 (2) For an advertisement sent by mail, the portion of the  
25 disclaimer required pursuant to paragraph (1) that states “This  
26 paid political advertisement was not produced in coordination  
27 with any candidate for political office” shall be printed on the front  
28 page of the mailer, in boldface uppercase type, at least 12-point in  
29 size. All other disclaimer information required pursuant to  
30 paragraph (1) shall be printed on the front page of the mailer, in  
31 boldface uppercase type, at least 8-point in size.

32 (e) *For purposes of this section, “advertisement” does not*  
33 *include a communication from an organization to its members.*

34 SEC. 2. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the penalty  
39 for a crime or infraction, within the meaning of Section 17556 of  
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

3 SEC. 3. The Legislature finds and declares that the provisions  
4 of this act further the purposes of both the Political Reform Act of  
5 1974 within the meaning of subdivision (a) of Section 81012 of the  
6 Government Code and Proposition 208 within the meaning of  
7 Section 45 of that measure.

O

